

# TRANSMITTAL

## FORM

(to be used for all correspondence after initial filing)

Attorney Docket No.	AUS920010591US1 (9000/60)
Application Number	10/007,026
Filing Date	NOVEMBER 5, 2001
First Named Inventor	JOHNNY R. BREZINA
Group Art Unit	2827
Examiner	CHAMBLISS, A.

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Amendment	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> After Final	<input type="checkbox"/> Drawings:	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input checked="" type="checkbox"/> Post Card Receipt
<input type="checkbox"/> One-Month Petition for Extension of Time Request (dup)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Additional Enclosure(s) ( <i>please identify below</i> ):
<input checked="" type="checkbox"/> Express Abandonment Under 37 CFR 1.138	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/>
<input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/>
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Request of Refund	<input type="checkbox"/>
	<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.	
	<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447. A duplicate copy of this sheet is enclosed.	

### CALCULATION OF FEE

	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity	Large Entity		
Total		Minus		0	Rate	Add'l Fee		
Indep.		Minus		0	x \$9=	0		
First Presentation of Multiple Dep. Claim					x \$43=	0		
					+\$145=	---		
					total add'l fee	\$ 0	Rate	Add'l Fee
							x \$18=	
							x \$86=	
							+\$290=	
							total add'l fee	\$ 0

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature			Date <u>December 17, 2003</u>

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in an envelope with the United States Postal Service addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date: December 17, 2003

Signature		Date: <u>December 17, 2003</u>
FRANK C. NICHOLAS (33,983)		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



## EXPRESS ABANDONMENT UNDER 37 CFR 1.138

Send completed form to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/007,026
Filing Date	NOVEMBER 5, 2001
First Named Inventor	JOHNNY R. BREZINA
Art Unit	2827
Examiner Name	CHAMBLISS, ALONZO
Attorney Docket Number	AUS920010591US1 (9000/60)

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1.  Express Abandonment

I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2.  Express Abandonment in Favor of a Continuing Application

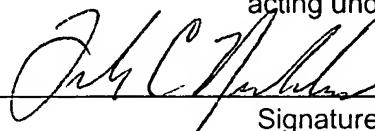
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

**TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.**

- I am the:  applicant.  
 assignee of record of the entire interest. See 37 CFR 3.71.  
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  
 attorney or agent of record. Registration Number 33,983  
 attorney or agent acting under 37 CFR 1.34(a) (may act under 37 CFR 1.34(a) only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a).

(Attorney or agent registration number)

  
\_\_\_\_\_  
Signature

DECEMBER 17, 2003

Date

FRANK C. NICHOLAS

(847)905-7111

Typed or printed name

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.